



PLANNING COMMISSION SYNOPSIS

Wednesday, June 11, 2008

5:00 p.m. STUDY SESSION

Planning Commission By-Laws

ROOM LOCATION T-332

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

Xavier Campos

Lisa Jensen

Matt Kamkar

Christopher Platten

Jim Zito

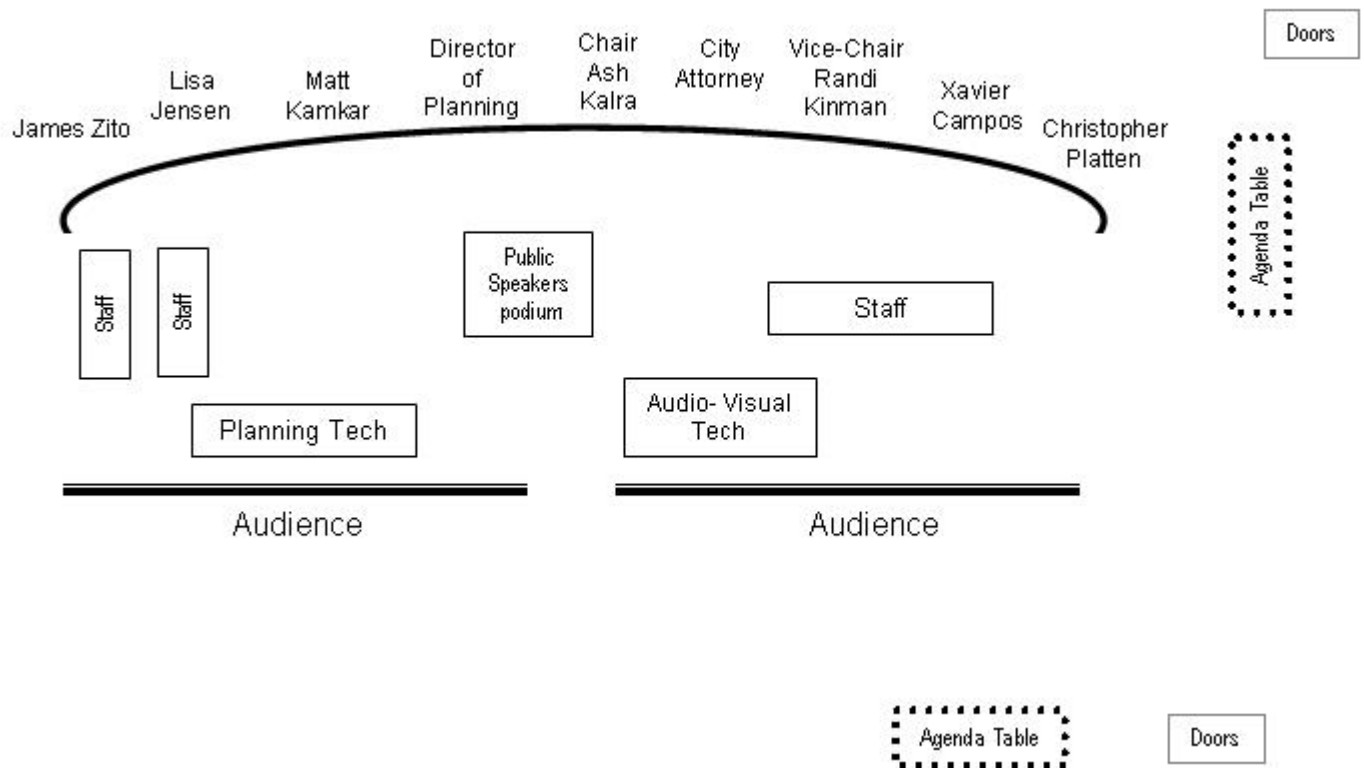
Joseph Horwedel, Director

Planning, Building and Code Enforcement

NOTE

To listen to the audio recording of the planning Commission, please go to the Planning website at: http://sanJosé.granicus.com/ViewPublisher.php?view_id=17

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

All Commissioners present.

2. DEFERRALS

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-101**. Planned Development Rezoning to allow 290 multi-family residential units on a 4.045 gross acre site, located on the southeast corner of North First Street and East Rosemary Street (Metro Eight Properties, LLC, Owner; ROEM Development Corporation, Developer). Council District 3. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

DEFERRED TO 06/25/08 AT REQUEST OF STAFF(7-0-0)

- c. **PDC07-102**. Planned Development Rezoning from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 300 multi-family residential units on a 3.69 gross acre site, located on the northeast corner of River Oaks Parkway and Zanker Road. (199 River Oaks Parkway)(Applejack 199 LP, Owner). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

DROPPED & RENOTICED FOR 06/25/08 AT REQUEST OF APPLICANT(7-0-0)

- d. **PDC07-017**. Planned Development Rezoning to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site located on the west side on Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue (James & Tina Jean, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Deferred from 3/26/08, 4/21/08, 5/7/08. *PROJECT MANAGER, BILL ROTH*

DROPPED AT REQUEST OF APPLICANT(7-0-0)

3. CONSENT CALENDAR

- a. **CP06-072**. Conditional Use Permit Renewal to allow continued operation of a public eating, drinking, and entertainment establishment, with late night use until 2:00 a.m. daily on a 0.19 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the west side of South 2nd Street, approximately 70 feet north of East San Fernando Street (85 S 2ND ST)(Second Street 88 Colin Cheung, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 05/28/08. *PROJECT MANAGER, L.McMORROW*

APPROVED (7-0-0)

- b. [CP07-106](#). Conditional Use Permit for an eating, drinking and entertainment establishment with late night use until 2:00 a.m. daily on a 0.06 gross acre site in the DC Downtown Primary Commercial Zoning District, located on west side of South Second Street approximately 100 feet north of East San Fernando Street (83 S 2ND ST)(Second Street 88, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 05/28/08. *PROJECT MANAGER, L.McMORROW*

APPROVED (7-0-0)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [DA-Cisco Alviso Amendment #1](#) for the area generally bounded by Highway 237, N. First Street, Grand Boulevard, and Disk Drive to amend Ordinance 26136, adopted on June 13, 2000 to extend by six months a certain project occupancy date set forth in a Development Agreement between the City and Cisco Technologies, Inc relative to the development of property in North San Jose (the “Development Agreement”) and to ratify and restate the effectiveness of the Development Agreement and authorizing the City Clerk to execute the Amended and Restated Development Agreement. (Cisco Technologies, Owner/Applicant). Council District 4. CEQA: Re-Use of an EIR. *PROJECT MANAGER, N.KLEIN*

RECOMMENDED APPROVAL (7-0-0)

Commissioner Zito asked for clarification on remaining acreage to be subject to Amended Development Agreement and staff clarified area sold to Divco, and area held as open space and dedicated to the City and not developable in future.

- b. [CP07-101](#). Conditional use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Bascom Avenue and Surrey Place (2517 S. Bascom Ave)(Lena Basso Trustee & et al, Owner; Sunrise Senior Living, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 04/21/08, 05/07/08, 05/14/08. *PROJECT MANAGER, M.DAVIS*

APPROVED (7-0-0)

Staff gave a brief overview of project, deferrals, and public outreach. The applicant gave a presentation of the project and highlighted those areas they felt addressed many of the concerns of the neighborhood. Public comment included two area residents who commented that the project was not in conformance with several sections of the Commercial Design Guidelines, as well as concerns related to parking and the burden this use would place on the neighborhood. A representative of the Cambrian Community Council asked if the project could be conditioned to restrict the use to those dealing with dementia related disabilities. A business owner across Surrey Place expressed concern over how the project would block visibility to her restaurant.

The property owners’ representative spoke on how the property owners have held this property vacant until they found a user that would truly provide a needed use/service to the community. They felt that the applicants of the facility would meet this criteria, and that the owners had held the land since 1977.

The Commission had a brief discussion including questions related to parking, signage, and construction impacts. Commissioner Zito made the motion to Recommend Approval per staff recommendation.

- c. [PDC07-086](#). Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 135 affordable housing multi-family attached residential units and approximately 11,101 square feet for retail commercial uses on a 1.16 gross acre site, located on the southeast corner of South 2nd Street and Keyes Street (1140 S 2ND ST)(Patel Shantaben N and Naranji V, Owner; First Community Housing, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration. PROJECT MANAGER, E.SAMONSKY

**RECOMMENDED APPROVAL (5-1-0-1; KINMAN OPPOSED;
CAMPOS ABSTAINED)**

Staff gave a brief overview of the project. The applicant, Jeff Oberdorfer of First Community Housing, made a brief presentation and included that this project had just been accepted into the LEED Gold Building for Homes Pilot Project. Public comment commenced with Ms. Aurelia Sanchez, President of Spartan Keys NAC, emphasizing that the community is not supportive of the project. She indicated that it did not conform to the Martha Gardens Specific Plan in the area of architecture, as well as it included too many units. She also emphasized the deficiencies that the neighborhood has related to parks and how the project as proposed is exempt from either dedicating or paying a fee towards parks because of the affordable aspect of the project. She also discussed the existing traffic problem and how the proposed project would add to it. Another member of the neighborhood spoke in opposition stating that the scale of the project would block views into the neighborhood and that their neighborhood is saturated with this sort of housing and that others needed to share in the responsibility.

There were representatives from the Silicon Valley Leadership Group Support, Bay Area Council, and an affordable housing non-profit present who spoke in support of the project. An 8-year resident of the neighborhood spoke in support stating that this was a fantastic project, and that the existing traffic issues are not a concern of this project.

The applicant responded briefly, stating it was the policy of the City to exempt affordable unit from the parkland fee and that the prepared traffic report shows no impact.

There was Commission discussion related to the park fee, guarantee of Eco Pass commitment, and green building. Staff responded related to the park fee issue that it is City policy and staff has not separately conditioned any project contrary to that policy. Staff also indicated that it should be recognized that the program for the proposal is to provide Eco Passes and participate in the LEED Gold for Residential Pilot Program, but it is not being included as a development standard as recommended by staff.

Commissioner Jensen made the motion to recommend approval per staff and recognize LEED Gold.

Commissioner Zito indicated that he would like staff to work with the applicant at the permit stage to “soften” the architecture, stating that the project as designed in his mind is a bit boxy and monolithic. He stated he would like to see it tie into Historic nature of the neighborhood more.

Commissioner Kinman indicated she would not be supporting the project as she felt the imbalances in the project related to setbacks, parking, and the concern with affordable housing not generating Park money were too much and that this project was not in compliance with the Martha Gardens Specific Plan.

5. PETITIONS AND COMMUNICATIONS

None.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

None.

7. GOOD AND WELFARE

a. Report from City Council

Asst. Director Laurel Prevetti gave an overview of the Council action on the Berryessa/Jackson PD Zoning indicating the inclusion of a trigger for the retail to be completed when 50% of the units are occupied. She also let them know that the CIP was to be considered by City Council on 6/17 at 10:00 a.m.

b. Commissioners' Report from Committees:

1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No report.

2) Parks Funding Subcommittee (Zito).

Commissioner Zito gave a brief presentation on the Parks Subcommittee Report – Support City Manager proposal on CC Tax; request Commission support as presented in letters. He indicated that this position allows for greater flexibility to use funds for operation and maintenance.

3) Envision San José 2040 General Plan Update Process (Kamkar).

Next meeting on Monday, June 23, 2008

c. Review of synopsis for 05/28/08.

Include Commissioner Kinman's request for project deferral data.

d. Consider Study Session dates and/or topics.

e. Consider the recommendation of the Parks Maintenance Funding Subcommittee that the Planning Commission: 1) transmit to the City Council a letter of support of the City Manager's budget proposals related to financing of parks maintenance, and 2) appoint a representative of the Planning Commission to speak before the City Council on the issue to present the Planning Commission's recommendation noted in the letter of support.

Motion to adopt letter, and the Subcommittee to work out who would attend hearing.

Approved (7-0-0)

8. ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session	Room T-332
		<i>Review & Comment: Planning Department Website</i>	
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session	Room T-332
		<i>CEQA: Reviewing Environmental Impact Reports</i>	
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session	Room T-332
		<i>North San José</i>	
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session	Room T-332
		<i>Green Vision/Develop City Policy</i>	
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session	Room T-332
		<i>Riparian Corridor Policy</i>	
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session	Room T-332
		<i>Inclusionary Housing & Housing Element</i>	
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session	Room T-1654
		<i>Capital Improvement Program</i>	
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	5:00 p.m.	Study Session	Room T-332
		<i>Planning Commission By-Laws</i>	
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	5:00 p.m.	Study Session	Room T-332
		<i>Riparian Corridor Policy</i>	
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	5:00 p.m.	Study Session	Room - TBD
		<i>Joint Study Session with Parks Commission</i>	
September 24	6:30 p.m.	Regular Meeting	Council Chambers
September 25	8:30 a.m.	Annual Retreat	Room - TBD
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers